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REMARKS

Claims 1 through 17 have been rejected based on U.S. Patent 5,509,745 (Hegarty) and U.S. Patent 2,325,155 (Wedge). The claims have been amended.

The amended claims should be allowed.

Amendments have been made to clarify the claims, and to distinguish screw 23 of Wedge, which can be removed and separated from the rest of the binder. The "Summary" notes the device is "not removable from an aperture in the cover of a binder or a lockable flip chart holder." Removal of the locking device is not desirable. Beginning on page 9, line 27, the application states: "The benefits of a locking device 60 that is not removable include that the locking device 60 cannot be separated, lost or dropped."

Claims 4 and 8 have been amended to further distinguish Hegarty.

Hegarty does not provide a basis for rejecting the amended claims.

The anticipation rejection is improper based on several distinctions between the amended claims and the disclosure of the Hegarty patent. To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001). Hegarty does not disclose the locking mechanism having "*a rotational force wherein the lock traverses in a direction perpendicular to the face surface of the panel*" citing "Notice of Allowability" dated August 12, 2003 in the parent application. Ironically, a locking device "*that locks when administered with a rotational force, and traverses in a direction perpendicular to the face surface of the panel*" was added in an Examiner's Amendment in the parent application that was agreed to on June 9, 2003.

The Office Action (in regards to **Claim 1**) is mistaken that it is "obvious to lock the leaves in any desirable manner." This is simply wrong (particularly for anticipation) and does not follow the stated premises or the proper application of patent law. Further, the limitation of "pressing against the leaves" has nothing to do with the method of production or a product-by-process. A function and operation of the locking device is defined, and although structural limitations are not the only type of acceptable limitations, the limitation is structural because the locking device must be able to press against the leaves. The asserted rejection lacks merit.

Further, first engagement section 159 of Hegarty (including a pair of symmetrically formed triangular members 163 projecting from the longitudinal side 161 of cylindrical bar 156) are smaller than circular opening 43 (smaller than the aperture of the cover). The claimed locking device includes an area "that is larger than the aperture of the cover".

Wedge does not provide a basis for rejecting the amended claims.

In addition to the claims including an area of the locking device inside the cover being larger than the aperture, which is distinct from screw 23 of Wedge, Wedge does not have other limitations of the claimed invention. As best seen in Fig. 2 of Wedge, screw 23 does not "press against the leaves and secure the leaves from moving in order to lock the ring" (per claim 1) and does not press against the leaves and secure the leaves from moving (per claims 10 and 15). Per column 2, beginning a line 27 of Wedge, the "toggle plates 15 are recessed, as indicated at 24, to provide clearance for the screw 23." Also, recess 24 is not part of the cover as asserted in the Office Action.

As noted above, the Office Action (in regards to **Claim 1**) is mistaken that it is "obvious to lock the leaves in any desirable manner." The asserted rejection lacks merit.

Further regarding claim 10, the screw of Wedge if considered a locking device does NOT operate "so that the ring halves can only be opened when the cylinder is not inserted in the aperture

enough to press on the leaves, and the locking device when inserted into the aperture enough to press against the leaves and secures the leaves from moving." Whether Wedge's screw is inserted will not dictate whether ring halves can only be opened when the cylinder is not inserted. As detailed above, Wedge's screw does not press against the leaves and secure the leaves from moving.

Regarding claims 9 and 14, the Office Action does not show how Wedge discloses a locking device when inserted in the cover prevents the leaves from rotating toward the cover. The screw of Wedge has toggle plates 15 are recessed at 24 to provide clearance for the screw 23 so the screw does not prevent the toggle plates from rotating.

Further regarding claim 11, the Office Action does not show how Wedge discloses that the locking device includes a shaped aperture in a head of the cylinder.

For claim 15, in addition to the distinctions noted above, the Office Action does not show in Wedge "a mount attached to the back surface of the panel". Further, there is no disclosure in Wedge of a locking device the "operates so that the ring halves can only be opened when the cylinder is not pressed against the leaves, and the locking device can press against the leaves and secure the leaves from moving."

Further still yet regarding claim 16, the Office Action does not show how tool with an end that corresponds to the shape of the shaped aperture in the head of the cylinder.

Wedge does not anticipate the amended claims.

The obviousness rejections lack merit.

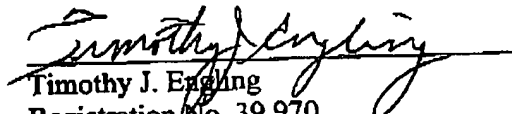
Regarding the obviousness rejections, the premise is wrong that Hegarty and Wedge comprise all elements of any claim as set forth above. Neither Hegarty nor Wedge renders the amended claims obvious.

Conclusion

Accordingly, all claims specify patentable subject matter and are in condition for allowance. The applicants therefore respectfully request allowance of this application.

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Respectfully submitted,


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